

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

South Valley Station
Yerington, Nevada 89447
(Leslie West and Lisa Smith,
Petitioners)

Docket No. A2012-108

**NOTICE OF ERRATA TO UNITED STATES POSTAL SERVICE
MOTION TO STRIKE FILED MARCH 20, 2012**
(April 4, 2012)

The Postal Service hereby gives notice of filing errata to its motion to strike filed on March 20, 2012. The Postal Service has conducted additional research and determined that a handicap ramp was installed in the Yerington Main Post Office in 1980. Therefore, corrections are made to page 9, and are shown in gray highlighted text, in the corrected version of page 9 of the motion to strike included as an attachment to this filing. The Postal Service regrets the inconvenience, but does not believe that any party will be prejudiced by the filing of this notice of errata.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Anthony F. Alverno
Chief Counsel
Global Business and Service Development
Corporate and Postal Business Law Section

Christopher C. Meyerson
Attorney

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-7820; Fax -5628
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discriminating on the basis of disability. Section 504 is implemented through 39 C.F.R. § 255. The Rehabilitation Act applies even if the ABA does not and even if the facility is in compliance with the ABA.

The Postal Service owns the Yerington Post Office. It was built in 1939 and is on the national historic register. The building's construction predates the enactment of the ABA, and therefore the entire Yerington Post Office facility is not required to comply with ABA standards. Rather, particular building elements altered after 1968 are required to comply with the ABA standards in effect at the time of the alteration.^{20A} The Rehabilitation Act governs program access at the facility. In that regard, the Postal Service did address, in the administrative record, whether the Yerington Post Office could accommodate "special customer needs" ("People who cannot read or write, who cannot drive, who have infirmities or physical handicaps, etc.)" in Question No. 12 of Item No. 15, Post Office Survey Sheet. The response is that such customers "can be accommodated at the Yerington Main Office."²¹ Thus, the Postal Service will provide individualized program access to disabled customers of the Yerington Post Office under the Rehabilitation Act.

Furthermore, the Commission does not have jurisdiction under section 404(d) of Title 39 to respond to a complaint from the Public Representative, who is representing the general public, on behalf of those "[m]embers of the public who are unable to use or who have difficulty using certain postal services [who]

^{20A} A handicap ramp including an additional lobby entrance was installed in 1980. Notably, the Commission is without jurisdiction to decide an accessibility complaint under the ABA. Rather, by statute, the Architectural and Transportation Barriers Compliance Board is the entity responsible for enforcing ABA requirements, in response to complaints filed by disabled customers.

²¹ Notice filed by United States Postal Service, PRC Docket No. A2012-108, January 30, 2012 (Administrative Record), Item No. 15, Post Office Survey Sheet, at 2.